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Martin Moser

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EXAMINER

LINDSEY, MATTHEW S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,021	Applicant(s) MOSER, MARTIN
	Examiner MATTHEW S. LINDSEY	Art Unit 2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/27/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending in this application. Claims 1-22 are amended as filed on 2 February 2005.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-14 and 20-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

4. With respect to Claims 1-14 and 22, they are directed to a system but lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101. They are not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such they fail to fall within a statutory category.

5. With respect to Claims 20-21 they are directed to a computer program product, which is defined in the instant specification to include: "Further, program signal 980 can also embody CPP 100" (pg 10, lines 13-14) and therefore the claims are directed towards carrier waves or signals. As such, the claim is directed to a form of energy. Energy is not one of the four categories of invention

and therefor the Claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Chowdry et al. (US 2003/0167315 A1).

8. With respect to Claim 22, Chowdry disclosed: “A computer system for handling incremental data ([0234], lines 1-5, specifically individually refreshing portlets and Fig 3, where there are multiple portlets on a page), comprising:

a client-controller generating a modification-request ([0245], lines 1-4, where the user, or client, initiates the refresh manually);

a server-controller modifying a model of an application component on a server as a response to the modification-request ([0243], lines 1-3);

a server-renderer generating at least one browser-increment after the model has been modified ([0222], lines 1-8, where the cache server overwrites the original model with an updated model); and

a client-assembler receiving the at least one browser-increment from the server ([0243], lines 1-3 and Fig. 3, where each portlet can be updated independently) and updating an instance of a browser component at the client with the at least one browser-increment, wherein the browser component corresponds to the application component ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 'Market Chart' portlet with corresponding 'Update' button in the title bar, will produce a modified portlet based on changes in the stock market)".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 4-11, 14-16 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdry in view of Kloba et al. (US 2001/0047394 A1).

11. With respect to claim 1, Chowdry disclosed: “A computer system for handling incremental data ([0234], lines 1-5, specifically individually refreshing portlets and Fig 3, where there are multiple portlets on a page), comprising:

a server-controller for receiving a modification-request from a client ([0245], lines 1-4, where the user, or client, initiates the refresh manually) to modify an original model of an application component that is stored on the server into a modified model of the application component ([0243], lines 1-3);

a server-renderer for generating at least one browser-increment that corresponds to a difference between the original model and the modified model ([0222], lines 1-8, where the cache server overwrites the original model with an updated model);

a client-assembler for receiving the at least one browser-increment from the server ([0243], lines 1-3 and Fig. 3, where each portlet can be updated independently) and updating at the client an original component of a browser component with the at least one browser-increment resulting in a modified component that corresponds to the modified model, wherein the original component corresponds to the original model ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 ‘Market Chart’ portlet with corresponding ‘Update’ button in the title bar, will produce a modified portlet based on changes in the stock market); and

a client-controller for generating the modification-request ([0245], lines 1-4, specifically the update button which, when pressed, allows the user to initiate the refresh process)”.

Chowdry did not explicitly state: “document object model (DOM) component”.

However, Kloba disclosed: “document object model (DOM) component ([0171], lines 1-4)”.

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to display of web pages or parts of web pages, portlets, in a portal or main web page. Kloba is directed to displaying an HTML document that conforms to the limitations of a viewer's browser.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry with the teachings of Kloba to include support for document object models. Motivation to combine these references comes from Kloba, where: “the client 108 is designed to support the additional Internet document standards: and the W3C DOM ([0171], lines 1-4)”. Therefore, by combining the references one can use the Internet standard W3C DOM, using a standard ensures predictable behaviors across many different devices and platforms that may implement the invention.

12. With respect to Claim 10, Chowdry disclosed: “A server for handling incremental data ([0234], lines 1-5, specifically individually refreshing portlets and Fig 3, where there are multiple portlets on a page), comprising:

a server-controller for receiving a modification-request from a client-controller of a client in a computer system ([0245], lines 1-4, where the user, or client, initiates the refresh manually) to modify an original model of an application component that is stored on the server into a modified model of the application component ([0243], lines 1-3); and

a server-renderer for generating at least one browser-increment that corresponds to a difference between the original model and the modified model ([0222], lines 1-8, where the cache server overwrites the original model with an updated model);

the at least one browser-increment made to be sent to a client-assembler of the client for updating an original component that corresponds to the original model with the at least one browser-increment, resulting in a modified component that corresponds to the modified model ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 'Market Chart' portlet with corresponding 'Update' button in the title bar, will produce a modified portlet based on changes in the stock market)".

Chowdry did not explicitly state: "document object model (DOM) component".

However, Kloba disclosed: "document object model (DOM) component ([0171], lines 1-4)".

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed

teachings pertaining to display of web pages or parts of web pages, portlets, in a portal or main web page. Kloba is directed to displaying an HTML document that conforms to the limitations of a viewer's browser.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry with the teachings of Kloba to include support for document object models. Motivation to combine these references comes from Kloba, where: "the client 108 is designed to support the additional Internet document standards: and the W3C DOM ([0171], lines 1-4)". Therefore, by combining the references one can use the Internet standard W3C DOM, using a standard ensures predictable behaviors across many different devices and platforms that may implement the invention.

13. With respect to Claim 11, Chowdry disclosed: "A client for handling incremental data ([0234], lines 1-5, specifically individually refreshing portlets and Fig 3, where there are multiple portlets on a page), comprising:

a client-controller sending a modification-request to a server-controller of a server in a computer system ([0245], lines 1-4, where the user, or client, initiates the refresh manually); and

a client-assembler receiving at least one browser-increment from the server ([0243], lines 1-3 and Fig. 3, where each portlet can be updated independently) and updating an original component that corresponds to an original model of an application component with the at least one browser-increment, resulting in a modified component that corresponds to a modified

model of the application component ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 'Market Chart' portlet with corresponding 'Update' button in the title bar, will produce a modified portlet based on changes in the stock market),

wherein the server-controller modifies the original model being stored on the server into the modified model ([0222], lines 1-8, where the cache server overwrites the original model with an updated model), and a server-renderer of the server generates the at least one browser-increment that corresponds to a difference between the original model and the modified model ([0244], lines 1-9)".

Chowdry did not explicitly state: "document object model (DOM) component".

However, Kloba disclosed: "document object model (DOM) component ([0171], lines 1-4)".

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to display of web pages or parts of web pages, portlets, in a portal or main web page. Kloba is directed to displaying an HTML document that conforms to the limitations of a viewer's browser.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry with the teachings of Kloba to include support for document object models. Motivation to combine these references comes from Kloba, where: "the client 108 is designed

to support the additional Internet document standards: and the W3C DOM ([0171], lines 1-4)". Therefore, by combining the references one can use the Internet standard W3C DOM, using a standard ensures predictable behaviors across many different devices and platforms that may implement the invention.

14. With respect to Claim 15, Chowdry disclosed: "A method for handling incremental data on a server ([0234], lines 1-5, specifically individually refreshing portlets and Fig 3, where there are multiple portlets on a page), comprising:

receiving by a server-controller a modification-request from a client-controller belonging to a client of a computer system ([0245], lines 1-4, where the user, or client, initiates the refresh manually) to modify an original model of an application component that is stored on the server into a modified model of the application component ([0243], lines 1-3);

generating by a server-renderer at least one browser-increment that corresponds to a difference between the original model and the modified model ([0222], lines 1-8, where the cache server overwrites the original model with an updated model); and

sending the at least one browser-increment to a client-assembler of the client for updating on the client an original component that corresponds to the original model with the at least one browser-increment, resulting in a modified component that corresponds to the modified model ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 'Market Chart'

portlet with corresponding 'Update' button in the title bar, will produce a modified portlet based on changes in the stock market)".

Chowdry did not explicitly state: "document object model (DOM) component".

However, Kloba disclosed: "document object model (DOM) component ([0171], lines 1-4)".

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to display of web pages or parts of web pages, portlets, in a portal or main web page. Kloba is directed to displaying an HTML document that conforms to the limitations of a viewer's browser.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry with the teachings of Kloba to include support for document object models. Motivation to combine these references comes from Kloba, where: "the client 108 is designed to support the additional Internet document standards: and the W3C DOM ([0171], lines 1-4)". Therefore, by combining the references one can use the Internet standard W3C DOM, using a standard ensures predictable behaviors across many different devices and platforms that may implement the invention.

15. With respect to Claim 16, Chowdry disclosed: "A method for handling incremental data on a client ([0234], lines 1-5, specifically individually refreshing

portlets and Fig 3, where there are multiple portlets on a page) comprising the steps:

sending from a client-controller a modification-request to a server-controller of a server of a computer system ([0245], lines 1-4, where the user, or client, initiates the refresh manually); and

receiving by a client-assembler at least one browser-increment from the server as a response to the modification request ([0243], lines 1-3 and Fig. 3, where each portlet can be updated independently); and

updating an original component that corresponds to an original model of an application component with the at least one browser-increment, resulting in a modified component that corresponds to a modified model of the application component ([0243], lines 1-4 and Fig. 3, where an updating a portlet monitoring the stock market, see Fig 3 'Market Chart' portlet with corresponding 'Update' button in the title bar, will produce a modified portlet based on changes in the stock market), wherein the server-controller modifies the original model being stored on the server into the modified model ([0243], lines 1-3), and a server-renderer of the server generates the at least one browser-increment that corresponds to a difference between the original model and the modified model ([0222], lines 1-8, where the cache server overwrites the original model with an updated model)".

Chowdry did not explicitly state: "document object model (DOM) component".

However, Kloba disclosed: “document object model (DOM) component ([0171], lines 1-4)”.

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to display of web pages or parts of web pages, portlets, in a portal or main web page. Kloba is directed to displaying an HTML document that conforms to the limitations of a viewer’s browser.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry with the teachings of Kloba to include support for document object models. Motivation to combine these references comes from Kloba, where: “the client 108 is designed to support the additional Internet document standards: and the W3C DOM ([0171], lines 1-4)”. Therefore, by combining the references one can use the Internet standard W3C DOM, using a standard ensures predictable behaviors across many different devices and platforms that may implement the invention.

16. With respect to Claims 4 and 14, the combination of Chowdry and Kloba disclosed: “wherein the client-controller instructs the client-assembler to reset the original or modified DOM component upon receiving a reset-request (Chowdry, [0225], lines 1-17, and Fig 7, where a user can recreate a portlet)”.

17. With respect to Claim 5, the combination of Chowdry and Kloba disclosed: “The computer system according to claim 1, wherein the original model and the

modified model are defined by a component class selected from a group consisting of a Java class, a Java Server Pages class (Chowdry, [0241], lines 7-11, where a java server page is responsible for enabling the invention), a servlet class, a Pascal class, a C class, a C++ class, and a Business Server Pages class”.

18. With respect to Claim 6, the combination of Chowdry and Kloba disclosed: “The computer system according to claim 1, wherein the browser component is defined by a component script class selected from a group consisting of a JavaScript class (Chowdry, [0100], lines 1-5), a JavaApplets class and a VisualBasic Script class”.

19. With respect to Claim 7, the combination of Chowdry and Kloba disclosed: “The computer system of claim 5, wherein the component class implements at least a portion of the server-controller and the server-renderer (Chowdry, [0241] and [0242], where a user requests to move a portlet from one location to another by dragging, and this request is reflected in the portal using java server pages)”.

20. With respect to Claim 8, the combination of Chowdry and Kloba disclosed: “The computer system of claim 6, wherein the component script class implements at least a portion of the client-controller and the client-assembler (Chowdry, [0121], lines 4-8, where a portlet can be implemented using javascript)”.

21. With respect to Claim 9, the combination of Chowdry and Kloba disclosed: “The computer system of claim 6, wherein the component script class and a component class have identical hierarchies (Kloba, [0171], lines 1-4, where DOM defines an hierarchy of objects that will be uniform across the component script class and component class)”.

The motivation to combine is the same as that indicated above in claim 1.

22. With respect to Claim 20, the combination of Chowdry and Kloba disclosed: “A computer program product comprising instructions (Chowdry, [0006], lines 1-3) that, when loaded into a memory of a server, cause at least one processor of the server to execute the method of claim 15 (Chowdry, Abstract, lines 15-16)”.

23. With respect to Claim 21, the combination of Chowdry and Kloba disclosed: “A computer program product comprising instructions (Chowdry, [0006], lines 1-3) that, when loaded into a memory of a client, cause at least one processor of the server client to execute the method of claim 16 (Chowdry, Abstract, lines 15-16)”.

24. Claims 2-3, 12-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdry and Kloba in view of Laane (2003/0066031 A1).

25. With respect to Claims 2 and 12, the combination of Chowdry and Kloba did not explicitly state: “wherein the client-controller stores the at least one browser-increment in a cache-memory of the client and instructs the client-assembler to deactivate the at least one browser-increment upon receiving a deactivation-request”.

However, Laane disclosed: “wherein the client-controller stores the at least one browser-increment in a cache-memory of the client ([0004], lines 1-5) and instructs the client-assembler to deactivate the at least one browser-increment upon receiving a deactivation-request ([0004], lines 12-14, the browser increment being deactivated by returning to a previously loaded page)”.

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to browsing and updating web pages or portlets, in a portal or main web page using frames. Laane is directed to a method for providing correct Back and Forward navigation for web pages with frames.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry and Kloba with the teachings of Laane to include support for storing the browser increment in cache and deactivates the browser increment upon a deactivation request. Motivation to combine these comes from Laane, where: “If a particular desired page is already stored in the local memory, then the stored page can be quickly retrived and displayed by the browser. Otherwise, the desired page would need

to be retrieved again from the web server and displayed” (Laane, [0004], lines 12-16). Therefore by combining the references, one can quickly retrieve the previously viewed page and need not request it again from the server.

26. With respect to Claims 3 and 13, the combination of Chowdry, Kloba and Laane disclosed: "wherein the client-controller retrieves the at least one browser-increment from the cache-memory (Laane, [0004], lines 1-5) and instructs the client-assembler to reactivate the at least one browser-increment upon receiving a reactivation-request (Laane, [0004], lines 12-14)".

The motivation to combine is the same as that indicated above in claims 2 and 12.

27. With respect to Claim 17, the combination of Chowdry and Kloba did not explicitly state: "The method of claim 16, further comprising: storing the at least one browser-increment in a cache-memory of the client".

However, Laane disclosed: "The method of claim 16, further comprising: storing the at least one browser-increment in a cache-memory of the client ([0004], lines 1-5)".

One of ordinary skill in the art at the time of the invention would be motivated to combine the references because the system of Chowdry disclosed teachings pertaining to browsing and updating web pages or portlets, in a portal or main web page using frames. Laane is directed to a method for providing correct Back and Forward navigation for web pages with frames.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the portal system of Chowdry and Kloba with the teachings of Laane to include support for storing the browser increment in cache and deactivates the browser increment upon a deactivation request. Motivation to combine these comes from Laane, where: "If a particular desired page is already stored in the local memory, then the stored page can be quickly retrived and displayed by the browser. Otherwise, the desired page would need to be retrieved again from the web server and displayed" (Laane, [0004], lines 12-16). Therefore by combining the references, one can quickly retrieve the previously viewed page and need not request it again from the server.

28. With respect to Claim 18, the combination of Chowdry, Kloba and Laane disclosed: "The method of claim 17, further comprising deactivating the browser-increment upon the client-controller receiving a deactivation-request (Laane, [0004], lines 12-14, the browser increment being deactivated by returning to a previously loaded page)".

The motivation to combine is the same as that indicated above in claim 17.

29. With respect to Claim 19, the combination of Chowdry, Kloba and Laane disclosed: "The method of claim 18, further comprising: retrieving the at least one browser-increment from the cache-memory (Laane, [0004], lines 1-5); and

reactivating the at least one browser-increment upon receiving a reactivation-request (Laane, [0004], lines 12-14)".

The motivation to combine is the same as that indicated above in claim 17.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
6/14/2009

/Hassan Phillips/

Primary Examiner, Art Unit 2451